

30 November 1976

OGC Has Reviewed

MEMORANDUM FOR THE RECORD

STATINTL FROM : [redacted]  
Office of General Counsel

SUBJECT: Agreement with [redacted]

STATINTL

STATINTL 1. A question has been raised by OD&E as to whether or not one two-volume study and market survey published by [redacted] and purchased by the Agency can be made available to a contractor to assist it in performance of a contract which is expected to begin in mid-January 1977.

STATINTL 2. It is understood by the undersigned that the Agreement between the Agency as Buyer and [redacted] as Seller was signed by [redacted] according to an MFR in the CRS file. STATINTL The MFR was prepared 29 May 1975 by [redacted] after STATINTL consultation with [redacted] OGC. PD/OL reviewed the STATINTL transaction and raised no objection. Moreover, this information was confirmed by [redacted] Chief, Acquisitions STATINTL Branch, CRS and [redacted] also of CRS.

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STATINTL 3. According to [redacted], the Agency purchased two sets of two volumes each in accordance with pre-publication offer which resulted in a savings of \$1,000 over the normal price. The Agency accordingly purchased the sets specifically STAT at the request of [redacted] and was reimbursed by that Agency pursuant to the Economy Act. One set was sent to [redacted] and the other STATINTL initially went to [redacted]. The set thereafter went to ORD and finally to OD&E where it remains. [redacted] a STAT project officer at OD&E indicated that a contractor wanted to use the set but the provision of paragraph 5 of the Agreement seemed to preclude that cooperation (Attachment 1). Moreover, it was noted that the limitations of paragraph 5 appear to be more restrictive than the copyright admonition expressed in the two volumes (Attachment 2).

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INTERNAL USE ONLY

STATINTL

SUBJECT: Agreement with [REDACTED]  
[REDACTED]

4. After obtaining the above information and verifying from Chief, Procurement Division that certain purchases of books and materials under these circumstances are conducted directly by the Acquisitions Branch, CRS, I advised Chief, Contracting Team, Development Engineering Group, OD&E and [REDACTED] that the Agency was bound by the terms of the Agreement.

STATINTL

5. If it is desired to obtain an additional set in accordance with paragraph 2 of the Agreement, such can be done, however, written permission of [REDACTED] would still be required in order to provide the publications to an outside contractor. In the alternative, the contractor could purchase its own set. [REDACTED] indicated the work, in his opinion was not worth the initial purchase cost that a contractor would have to pay particularly in view of the overall contract cost which is about \$25,000. He indicated the matter probably would not be pursued further.

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Attachments:

1&2

Distribution:

✓Orig - L&PLD/OGC (Official)  
1 - L&PLD/OGC (Chrono)  
1 - EXO/OGC

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L&PLD/OGC: [REDACTED] (29Nov76)

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